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December 3, 2021

Via ECF

The Hon. James L. Cott
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Franck, et al. v. New York Health Care Inc. et al.*,
Case No. 21 Civ. 4955 (GHW) (JLC)

Dear Judge Cott:

Attached is defendants' counter-proposed Discovery Plan (including a red-line indicating the differences with the draft Discovery Plan previously provided to the defendants by the plaintiffs). We had expected a further communication from plaintiffs before their filing on this subject today, as we have been in communication with them about a wide range of issues this week and today. But regardless, in addition to clarifications as to the claims in defenses included in attached proposed plan, the most significant differences in the discovery proposed by plaintiffs as compared to and defendants are:

- Plaintiffs propose that the parties shall join any parties other than the individuals who file consent to join forms pursuant to 29 U.S.C. § 216(b) or who become class members pursuant to Fed. R. Civ. P. 23, or file amended pleadings, if any, on or before June 30, 2021, while defendants counter-propose January 31, 2022.
- Plaintiffs propose that all Defendants and Plaintiffs shall serve no more than 50 interrogatories, while Defendants counter-propose each side be limited to 25.
- Plaintiffs have left a blank for Defendants to produce sampled data which was in fact already produced on November 19, 2021.

Thank you for your consideration.

Respectfully yours,

/s/ Peter C. Godfrey

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